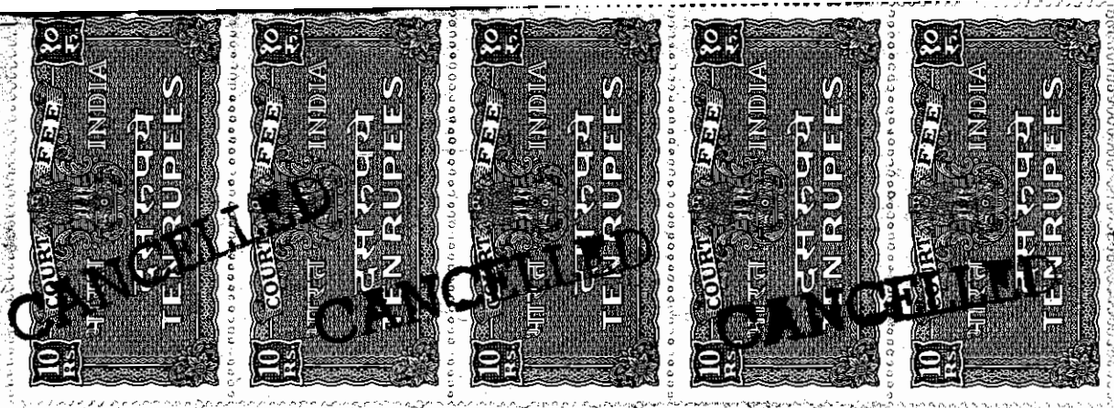

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(CHHATTISGARH)

WRIT PETITION NO. 2830 OF 2003

PETITIONER : Deo Singh Chandra, son of Shri Lal Bahadur Chandra, aged about 39 years, presently working as Sarpanch, Gram Panchayat Beladula, Post-Jaijaipur, District-Janjgir-Champa, (C.G.)

P. R. No. 26/6/03
Presented by Shri Sanjay Dubey
dated 26.09.03

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, through Secretary, Department of Panchayat and Rural Development, D.K.S.Bhawan Mantralay, Raipur, (C.G.)

2. The Collector, Janjgir-Champa, District-Janjgir Champa, (C.G.)

3. Sub Divisional Officer, (Revenue) Sakti, District-Janjgir-Champa, (C.G.)

4. Shri M.R.Sarthi, Collector, Janjgir Champa, District Janjgir-Champa, (C.G.)

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26-9-03
CLERK TO A.G. BILASPUR

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P.2830/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

12.09.2003

Heard Shri Sanjay Dubey, counsel for the petitioner.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India, by which he has challenged the issuance of show cause notice (Annexure P-1) dated 13.08.2003 issued by the Sub Divisional Officer (Revenue), Sakti.

Facts leading to filing of this writ petition are that the petitioner is an elected Sarpanch of Gram Panchayat, Beladula, who is related to Bharatiya Janata Party. The petitioner is working as Sarpanch of the said Gram Panchayat since last 3½ years. Leela Ram Chandra who is one of the villagers of Gram Panchayat, Beladula, made a complaint to the Chief Minister alleging that the Gram Panchayat had illegally issued notice to him for demolition of construction upon the Government land, which has been unauthorizedly occupied by Leela Ram Chandra. The Collector, Janjgir-Champa referred the matter to the Tehsildar, Jaijaipur, who after conducting the enquiry submitted a report (Annexure P-2). Leela Ram has constructed a house illegally on the Government land that is why action was taken against him and he made a false complaint and allegations against the petitioner. Thereafter, the Collector, Janjgir-Champa, issued a notice to the petitioner to appear before him on 08.08.2003 and without hearing the petitioner, asked him to refund Rs.4,000/- to Leela Ram and asked not to remove the

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.2830/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

possession of Leela Ram. The Collector also forced the petitioner to make his signature on a blank paper. Now, the Sub Divisional Officer has issued notice under Section 40 (1) of the Chhattisgarh Panchayat Rajya Adhiniyam, 1993, (hereinafter referred to as 'the Adhiniyam') for removal of the petitioner from the post of the Sarpanch, which is illegal and arbitrary.

The learned counsel for the petitioner submits that in the said alleged incident, the Tehsildar has already conducted an inquiry in which he reached the conclusion that complainant Leela Ram Chandra encroached upon the land and that encroachment was removed by the petitioner. Now again the Sub Divisional Officer has issued notice to the petitioner on the same ground alleging that the petitioner admitted that he took the bribe of Rs.4,000/- from the complainant and returned the same to the complainant. The learned counsel further submits that the Collector obtained the signature on a blank paper and that paper is being misused.

Having heard the learned counsel for the petitioner and having regard to the facts and circumstances of the case, so far, the Sub Divisional Officer has issued show cause notice to the petitioner under Section 40 (1) of the Adhiniyam, the petitioner is entitled to file his reply to the show cause notice and thereafter, the S.D.O. shall decide the matter after taking into consideration the reply and other material

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.2830/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	in connection with this matter. It is not a case where the S.D.O. is not entitled to issue notice under Section 40 (1) of the Adhiniyam or he has no authority to issue the notice. In the circumstances, against the show cause notice, the petition does not lie and the same is devoid of merit. Accordingly, the petition is dismissed. Consequently, M.(W.)P.No.2589/2003 & I.A.No.8481/2003 stand disposed of. Sd/- L.C. Bhadoo Judge	